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145
PATENT
Docket No. 1035/203

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Julie Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Muto, et al.

Serial No.: 10/056,860

Filing Date: January 23, 2002

Title: FLAT PANEL SPEAKER

Examiner: Not Yet Assigned

Group Art Unit: 2643

**PETITION UNDER 37 CFR 1.47(a)
REGARDING
NON-SIGNING INVENTORS**

Applicant hereby petitions to file the present continuation-in-part patent application without the execution of two of the named inventors.

The circumstances in support of the present petition is as follows:

1. The assignee of the present application, DIGITAL SONICS, LLC, acquired from the inventors the entire right, title and interest, for the territory of the United States of America and throughout the world, including any and all foreign rights and Convention priority rights, in and to the invention disclosed in the U.S. Provisional Patent Application, entitled FLAT PANEL SPEAKER, filed on July 23, 1999, Application No. 60/145,368 ("Invention"), and assignees' obligations to execute any and all domestic and foreign patent applications describing and claiming said invention without further

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consideration, and in conjunction therewith to execute any and all further assignments or other documents which may be required for filing under the International Convention or for recording in Patent Offices throughout the world.

2. The inventors, including Richard Guy, Keiko Muto, and Mayuki Yanagawa, each executed a written assignment assigning the Invention to DIGITAL SONICS, LLC, on September 21, 1999. Enclosed are copies of the conveyances of Keiko Muto and Mayuki Yanagawa. The assignments were recorded at the U.S. Patent and Trademark Office on July 24, 2000, at Reel No. 010989, Frame No. 0295.
3. Even though they are contractually obligated, the inventors Keiko Muto and Mayuki Yanagawa subsequently indicated that they would refuse to cooperate with DIGITAL SONICS, LLC, to execute formal documents in connection with filing of patent applications.
4. Since then, DIGITAL SONICS, LLC had no choice but to file and prosecute patent applications without the cooperation of inventors Keiko Muto and Mayuki Yanagawa.
5. In connection with the filing of a counterpart PCT application (No. PCT/US00/40475; filed July 24, 2000), which claims the invention disclosed in and claims the priority of said Provisional Application No. 60/145,368, DIGITAL SONICS, LLC had to sign a Statement By Assignee Regarding Non-Cooperative Inventors, which was filed with and accepted by the Patent Office in connection with said PCT application.
6. The present patent application is a continuation-in-part of said PCT application, including subject matter originally disclosed and claimed in said PCT application attributed to inventors Keiko Muto and Mayuki Yanagawa, and newly disclosed and claimed subject matter not attributed to the inventors Keiko Muto and Mayuki Yanagawa. Inventors

Keiko Muto and Mayuki Yanagawa would not be cooperating with DIGITAL SONICS LLC to execute the inventor declarations (naming additional inventors for the new subject matter) for the present continuation-in-part application.

7. Keiko Muto and Mayuki Yanagawa, two of the inventors of the Invention, have been compensated for their invention through DIGITAL SONICS, LLC.
8. DIGITAL SONICS, LLC, has paid all patent procurement expenses with regard to the Invention.
9. DIGITAL SONICS, LLC, considers the Invention to be of great importance to its business.

Attached is a Declaration by Assignee Regarding Non-Cooperative Inventors, executed by the President of DIGITAL SONICS, LLC, Mr. Kenneth Braskamp, setting forth the facts and circumstances as proof that the nonsigning joint inventors refused to execute the application papers.

The last known addresses of the nonsigning joint inventors are:

Keiko Muto 11059 McCormick Street #4 North Hollywood, CA 91601	Mayuki Yanagawa 11059 McCormick Street #4 North Hollywood, CA 91601
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In view of the particular circumstance presented above, Assignee respectfully petitions the Patent Office to file the present application without execution of the two original inventors in the parent PCT application.

The Petition Fee under 37 CFR 1.17(h) is enclosed herewith.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 501288**. A duplicate copy of this transmittal is enclosed for that purpose.

Respectfully submitted,

Dated: July 15, 2002

By: _____


Wen Liu
Registration No. (32,822)

Liu & Liu LLP
811 West Seventh Street; Suite 1100
Los Angeles, California 90017
Telephone: (213) 830-5743
Facsimile: (213) 830- 5741